



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-077	Contact	Steven Robertson
Application Type	UDC Zoning Map Amendment	Planning Commission Date	June 11, 2013
Deadline for Action	Application Date	May 14, 2013	60 Days July 13, 2013
	Date Extension Letter Mailed	May 21, 2013	120 Days September 11, 2013
Location of Subject	4000 W 9th Street		
Applicant	Northwood Children's Services	Contact	dwolleat@northwoodchildren.org
Agent	John Ivey Thomas	Contact	jltassoc@cpinternet.com
Legal Description	See attached		
Site Visit Date	June 3, 2013	Sign Notice Date	May 28, 2013
Neighbor Letter Date	May 23, 2013	Number of Letters Sent	20

Proposal

Rezone Northwood Children's Home from Rural Residential 1 (RR-1) to Mixed Use-Institutional (MU-I). According to the applicant, it will allow "consolidation of functions now primarily located at East 4th Street and 24th Avenue East to be located at our 40th Avenue Campus".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Children's Home (Institutional)	Institutional
North	RR-1	Residential/Undeveloped	Preservation
South	R-1	Residential	Traditional Neighborhood
East	RR-1	Middle School (Institutional)	Traditional Neighborhood
West	RR-1	Undeveloped	Preservation

Summary of Code Requirements (reference section with a brief description):

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

UDC Sec. 50-37.3.B: Planning commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

UDC Sec. 50-37.3.C: The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the application:

1. Is consistent with the Comprehensive Land Use Plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

B-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc.

Some of the applicant's property is within the Skyline Overlay Zone (a 200 foot boundary that limits the width of new buildings to less than 50% of the lot width, to protect view sheds). Some of the property is also within the shoreland setback required by Merritt Creek.

If the rezoning is approved by the City Council, the applicant will likely submit an application for "plan review" for a new structure on the campus.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.
- 2) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. The MU-I zone district is reasonably related to the existing institutional land use.
- 3) The applicant has many parcels, most in the institutional future land use, but some with the preservation future land use. Most of the parcels have been included in the rezoning except for the handful that predominately have the preservation future land use designation (those parcels will remain RR-1).
- 4) The future land use Institutional supports the rezoning request from RR-1 to MU-I.
- 5) No comments were received from public agencies and City departments. One citizen phone call was received asking for clarification on the nature and impacts of the MU-I rezoning.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends to Planning Commission that the proposed rezoning to MU-I be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-I zone district is consistent with the future land use category "Institutional".
- 3) Material adverse impacts on nearby properties are not anticipated.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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City Planning

PL 13-077

UDC Map Amendment

4000 W 9th Street

Legend

DuluthStream_ci

TROUT_FLAG

Trout Stream (GPS)

Other Stream (GPS)

Zoning (Final)

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

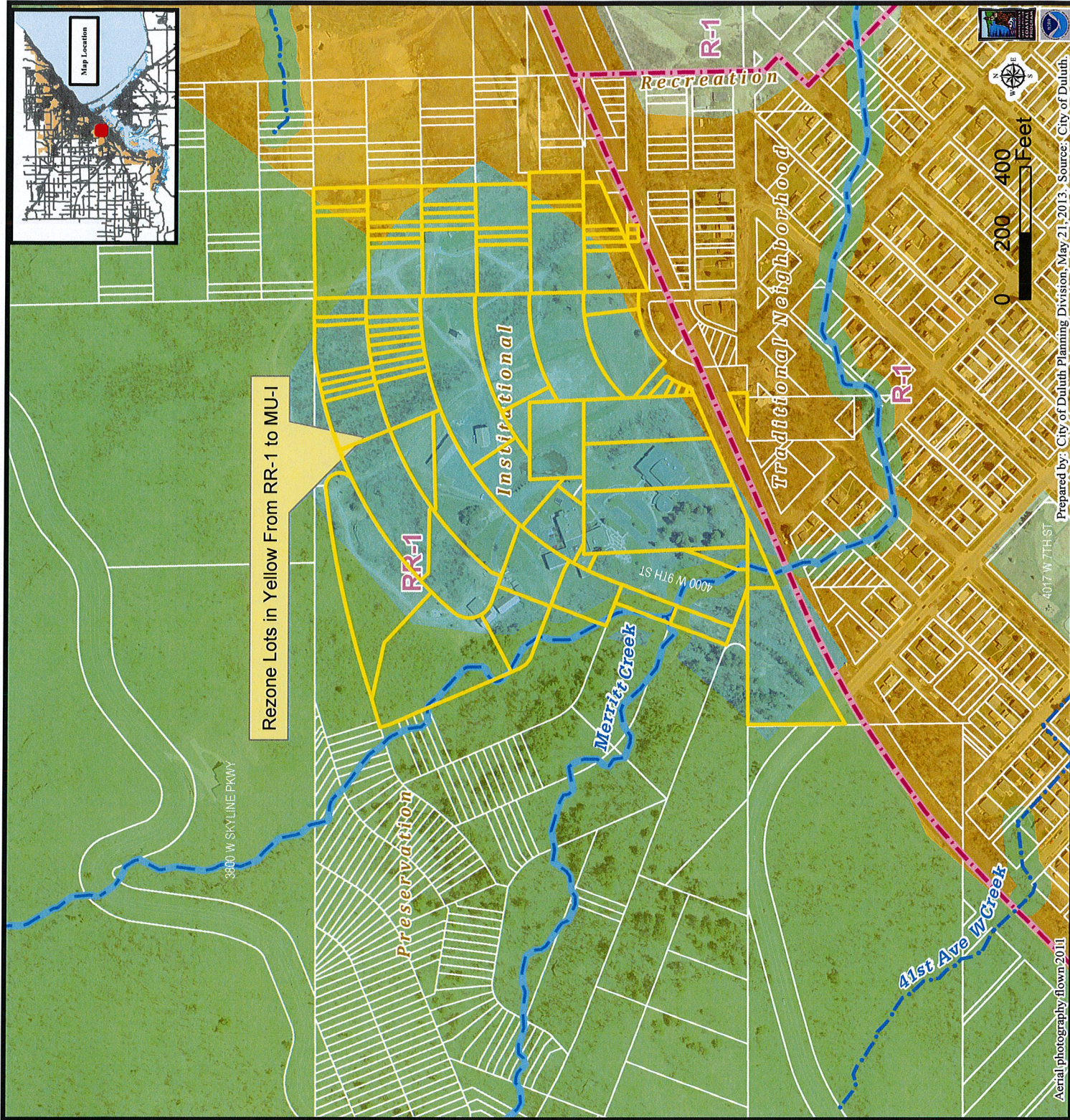
Light Industrial

General Industrial

Transportation and Utilities

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, May 21, 2013. Source: City of Duluth.

UDC Map Amendment
4000 W 9th Street

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Aerial photography flown 2011

32nd Ave W Creek

Merritt Creek

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CITY OF DULUTH ZONING MAP AMENDMENT PETITION

File No. _____

Date _____

Section I

We, the undersigned property owners petition to reclassify from RR1 to MU1 the following legally described property: _____

Section II

Attach a map of the area described above.

Section III

We believe that this rezoning will be in the public interest because existing buildings are not in conformance with existing zoning and owner desires building an addition structure to make operations more efficient.

Section IV

Petitioners: Owners of property requested to be rezoned (all property owners must sign)

NAME	ADDRESS	Phone #/Fax #/Email
RICHARD WALENT FOR NORTHWOOD CIRCULARS SERVICE	714 W College St Duluth, 55811	724-8815 724-0251 RWALENT@NORTHWOODCIRCULARS.COM

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RECEIVED MAY 14 2013

Section V

If petitioning for a change from a Residential district to a Mixed Use, Form, or Special Purpose District, include consenting property owners within 100 feet of the property requested to be rezoned (if not included, the rezoning would require a 2/3 vote from council to be approved). **All property owners of the property must sign.**

NAME	ADDRESS	LEGAL DESCRIPTION OF PROPERTY
Karen Zeisler	<i>YOU MAY USE ADDITIONAL SHEETS</i> 320 W 2nd St.	LOTS 1 THRU 14
St. Louis County	Room 607	INCL PART OF VAC ST AND ALLEY ADJ
Land and Minerals	Duluth, MN	ALSO
Dept	55802	LOTS 1 THRU 17
		INCL PART OF VAC ST AND ALLEY ADJ
		ALSO
		LOTS 1 THRU 27
		INCL PART OF VAC ST AND AVE ADJ
		WHITMAN PARK ADDITION TO DULUTH

8-7


Section V

If petitioning for a change from a Residential district to a Mixed Use, Form, or Special Purpose District, include consenting property owners within 100 feet of the property requested to be rezoned (if not included, the rezoning would require a 2/3 vote from council to be approved). All property owners of the property must sign.

<u>NAME</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION OF PROPERTY</u>
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YOU MAY USE ADDITIONAL SHEETS

Tom Kasper (ISD #709)	215 N. 1st Ave., East	Lincoln Park Middle School site Duluth, MN
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Signature

5/21/13
Date

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Description of Property Use:

Existing campus includes housing for 48 children who reside on average of one year at the facility. Average age is 12 years old. The school building provides schooling for the on-site residents and approximately 50 students assigned by ISD. There are three garage buildings and a greenhouse existing.

The new structure will house a maximum of 16 children for evaluation. This evaluation function is currently housed at 24th Avenue East and Fourth Street.

The new building is two stories with a total square footage of 9507 sq. ft.

Size of major buildings:	Home for 48 children	38,000 sq.ft.
	School	31,000 sq.ft.
	New Building	9,507 sq. ft.

There are no view impacts for adjacent property or visual impacts from adjacent property on Skyline Drive. Circulation, noise will not affect adjacent properties or have an impact on 40th Avenue West as additional staff will be minimal and distributed over 24 hours.

Parking (aggregated on site)

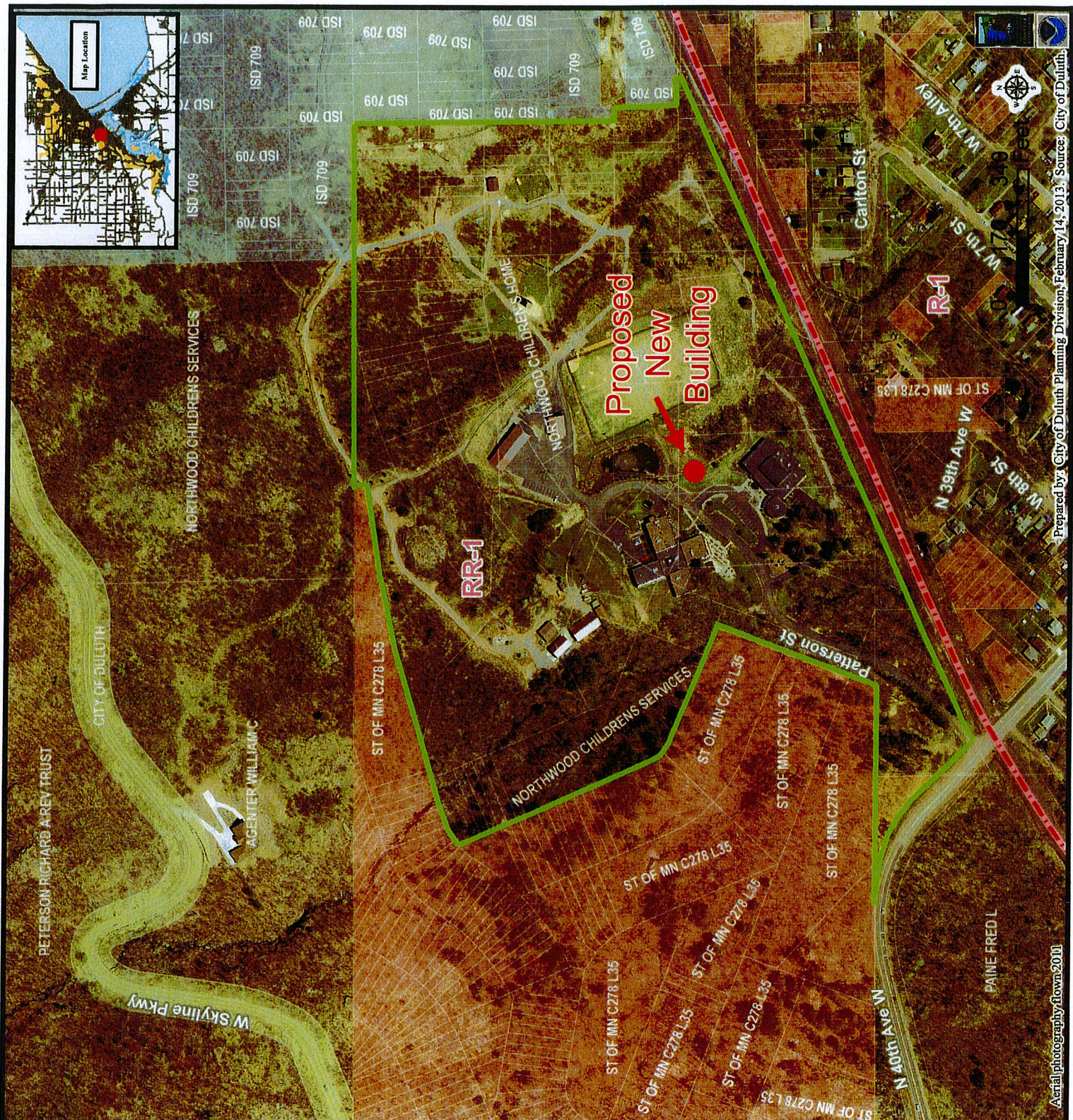
Residential Care Facility	$48 \div 9 =$	6 stalls
School		34 stalls
New Building		1 stall
Actual Parking on Site		41 stalls

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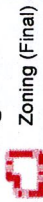


City Planning

Northwoods Childrens Services



Legend



Zoning (Final)

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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, February 14, 2013. Source: City of Duluth.

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